

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE SATANIC TEMPLE, INC.,

Plaintiff,

-v-

NEWSWEEK MAGAZINE LLC,

Defendant.

CIVIL ACTION NO. 22 Civ. 1343 (MKV) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

The Court held a telephone conference today, August 28, 2023 (the “Conference”), to discuss the issues raised in the parties’ letters at ECF Nos. 39 and 44 (the “Motions”). As discussed at the Conference, the Motions are resolved as follows:

1. Plaintiff’s request for additional documents from Defendant responsive to Request for Production No. 2 (ECF No. 39 at 1) is DENIED.
2. Plaintiff’s request for additional documents from Defendant in response to Request for Production No. 4 (ECF No. 39 at 2) is GRANTED IN PART. Defendant shall continue and complete its search for internal documents and communications relating to prior drafts, if any, of the subject article, and produce responsive documents to Plaintiff.
3. Plaintiff’s request for additional documents from Defendant in response to Request for Production No. 6 (ECF No. 39 at 2) is DENIED based on the representation by Defendant’s counsel that Defendant does not possess an internal fact-checking policy.
4. Plaintiff’s request for additional documents from Defendant in response to Request for Production No. 8 (ECF No. 39 at 2–3) is GRANTED IN PART. Defendant shall search for and

produce to Plaintiff documents and communications relating to the decision and/or direction to publish the Article.

5. Plaintiff's request for additional documents from Defendant in response to Requests for Production Nos. 9–10 (ECF No. 39 at 3) is DENIED.¹

6. Plaintiff's request for additional documents from Defendant in response to Request for Production No. 23 (ECF No. 39 at 3) is GRANTED IN PART. Defendant shall produce to Plaintiff its tax return for the year that ended on December 31, 2022, redacted except as to total figures establishing its income, value, and/or worth.

7. Plaintiff's request for additional documents from Defendant in response to Request for Production No. 26 (ECF No. 39 at 3) is GRANTED IN PART. Defendant shall apply search terms to the Newsweek email accounts of Julia Duin and Nancy Cooper sufficient to return all communications referencing or relating to The Satanic Temple between April 29, 2021 and October 29, 2021, and report the number of responsive emails to Plaintiff. The parties shall meet and confer regarding the scope of a potential production of documents, and, if they are unable to reach an agreement, file a joint letter on the docket indicating the number of documents returned by the search and the parties' positions regarding what, if anything, should be produced to Plaintiff.

8. Plaintiff's request for additional documents from Defendant in response to Request for Production No. 30 (ECF No. 39 at 3) is GRANTED IN PART. Defendant shall investigate

¹ At the Conference, Plaintiff withdrew its request for additional discovery regarding Interrogatories Nos. 4–11 and Requests for Production Nos. 11–22, 24–25, and 27–29.

whether it made a payment to Ms. Duin for writing the Article, and, if it did, produce to Plaintiff documents sufficient to show the amount of that payment.

9. Defendant's request for a protective order limiting the scope of the depositions of four non-party deponents (the "Deponents") (ECF No. 44 at 1-2) is DENIED WITHOUT PREJUDICE. By **September 15, 2023**, Defendant shall file a letter-brief not to exceed five pages setting forth the basis for its request for a protective order and attaching the subpoenas to the Deponents. Should the Deponents wish to be heard on this issue or otherwise seek relief from this Court, their counsel shall enter an appearance, confer with Defendant's counsel, and, by **September 15, 2023**, either file their own letter-brief not to exceed five pages or file a letter indicating that they join in Defendant's request for a protective order. By **September 29, 2023**, Plaintiff shall file a letter-brief not to exceed five pages in response.

10. A telephone conference is scheduled for **Thursday, October 12, 2023 at 3:00 p.m.** on the Court's conference line. The parties are directed to call: (866) 390-1828; access code: 380-9799, at the scheduled time. At the conference, the parties shall be prepared to discuss Defendant's request for a protective order. (See ¶ 9, supra). In the event that other discovery issues remain, the parties may, by **October 9, 2023**, file a joint letter setting forth any additional disputes to be discussed at the conference.

11. The parties shall order a transcript of the Conference and file it on the docket. By **August 30, 2023**, the parties shall complete the annexed transcript request form and submit one request to etranscripts@nysd.uscourts.gov.

Dated: New York, New York
August 28, 2023

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge

Request for the production of a transcript from an electronic recording

Send one request per completed form to:

etranscripts@nysd.uscourts.gov

Transcripts from an electronic record are generated by a Court Approved Transcriber, NOT the Southern District Court Reporters. The transcript will be delivered to your office and you will be invoiced directly by the transcriber. Submission of this form constitutes an agreement to pay for the transcription services described herein. This form should not be submitted for the purpose of obtaining a price estimate.

NOTE: CJA requests require prior approval by submitting an Auth-24 document in the CJA eVoucher System. If granted, the attorney then submits the etranscripts order form (indicate CJA Request). Upon notification from the transcriber, the attorney will create a CJA 24 Voucher in the eVoucher system.

Today's Date: _____

Case Caption		
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